

## ARTICLE 4

### EMPLOYEES

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## ARTICLE 4

### EMPLOYEES

SEC. 2-4.00 PERSONNEL SYSTEM. PURPOSE. Pursuant to the authority granted by Article XI of the Charter of the City of Hayward, the following Personnel System is hereby adopted in order to insure that employment in the City government shall be based on merit and fitness, and be free of personal and political considerations; just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of City government; high morale shall be maintained by fair administration of this Article and by every consideration of the rights and interests of employees consistent with the best interests of the public and the City.

SEC. 2-4.01 UNCLASSIFIED SERVICE. The Unclassified Service shall comprise the following officers and positions:

- (1) All elected officers.
- (2) City Manager, City Attorney, City Clerk, the head of each department, and one private secretary and all administrative assistants in the Office of the City Manager.
- (3) All members of boards and commissions.
- (4) Positions in any class or grade created for a special or temporary purpose for a period of not longer than six (6) months.
- (5) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.
- (6) Part-time employees paid on an hourly or per diem basis.

SEC. 2-4.02 CLASSIFIED SERVICE. The Classified Service shall comprise all positions not specifically included in the Unclassified Service.

SEC. 2-4.03 PERSONNEL SYSTEM. APPLICATION. The provisions of this Article shall apply only to the Classified Service unless otherwise specifically provided.

SEC. 2-4.10 ADMINISTRATION. PERSONNEL DIRECTOR. The Personnel System hereby established and the rules adopted thereunder shall be administered by the Personnel Director who shall be the custodian of, and maintain the personnel records; attend all meetings of the Personnel Board and serve as its Secretary; prepare and recommend revisions and amendments to the personnel rules for consideration of the Personnel Board and City Council. The City Attorney shall approve the legality of such revisions and amendments prior to their submission to the Council. The Personnel Director shall also advise the City Manager and assist department heads in promoting an effective program of personnel management; provide employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service; and consult, whenever practicable, with representatives of any employee organizations on matters of personnel policy or procedure.

SEC. 2-4.11 PERSONNEL RULES AND REGULATIONS. The Personnel Director shall draft, in consultation with the City Manager, such rules as may be necessary to carry out the purposes of this Article, and for examinations, appointments, promotions, appeals, leaves of absence and vacations.

All rules and regulations and all changes shall be printed for distribution.

SEC. 2-4.12 RULES AND REGULATIONS. MANNER OF ADOPTION. After public hearing thereon rules and regulations shall be recommended by the Personnel Board for adoption by the City Council. Upon such adoption, the rules and regulations shall have the force and effect of law.

SEC. 2-4.20 CLASSIFICATION OF POSITIONS. The Personnel Director shall assign each position in the Classified Service to a job class on the basis of the kind of level of its duties and responsibilities.

Positions, having comparable duties and responsibilities, which are sufficiently alike to permit use of a single descriptive title, the same qualification standards, test of competence and same pay scale, may be grouped in the same class.

Periodically the Personnel Director shall accomplish an analysis of the duties and responsibilities of any or all positions in the Classified Service and determine whether the current classification is correct.

SEC. 2-4.21 CLASSIFICATION PLAN. REVISION. The classification plan may be revised as changing conditions require, upon recommendations of the Personnel Director and with the approval of the Personnel Board. Such revisions may consist of the addition, abolishment, consolidation, division, or amendment of existing classes.

SEC. 2-4.30 SALARY PLAN. At least once each year the Personnel Director shall prepare a salary plan for all positions of employment in the City. The rate or range for each position or class of position shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to salaries for comparable positions in other places of public and private employment.

SEC. 2-4.31 SALARY PLAN. MANNER OF ADOPTION. The Personnel Board shall review the salary plan and after a public hearing thereon, recommend a salary plan to the Council for adoption. The Council may approve, modify, or reject, wholly or partly, the salary plan recommended by the Personnel Board, and may make such decision or determination as the facts warrant.

In adopting a salary plan, the Council may provide for its effective date to be retroactive to a date no earlier than the first day of the month within which said plan is adopted.

SEC. 2-4.32 SALARY PLAN. REVISION. The salary plan may be revised or amended, wholly or partly, if circumstances so require, in the same manner as originally adopted.

SEC. 2-4.40 EXAMINATIONS. All applicants for appointment to the Classified Service shall be subjected to examination, which shall be public, competitive and free and shall be in such form as will fairly appraise the abilities and aptitudes of applicants for the duties to be performed, and shall not include any inquiry into the political or religious affiliations of any

applicant. When, as determined by the Personnel Director, any or all phases of an examination administered to applicants by other governmental or private agencies with which the City participates for recruitment and testing services meet the above criteria, such examination or portions thereof shall be accepted by City in satisfaction of the examination requirements of this section.

Any applicants possessing all the minimum qualifications for a position shall be eligible to participate in the examination process for said position.

SEC. 2-4.41 PROMOTIONS. Vacancies in positions above the entrance level shall be filled by promotions whenever the Personnel Director, in consultation with the appropriate department head, finds that it is in the best interests of the City to do so.

Promotion shall be made on the basis of ascertained merit and standing upon competitive examination. Provided, however, where three or less applicants are eligible for promotion, a formal competitive examination may be dispensed with.

SEC. 2-4.42 PROVISIONAL OR TEMPORARY APPOINTMENTS. Pending the availability of eligibles from an employment register for a position or class, vacancies may be filled by provisional or temporary appointment. Such appointments shall be a maximum duration of six (6) months and shall not continue beyond two (2) pay periods after the establishment of an employment register for a position or class.

SEC. 2-4.50 EMPLOYMENT REGISTERS. Applicants who qualify for employment shall be placed on an employment register for the appropriate job class in the order of the grades they obtained on the examination.

SEC. 2-4.51 EMPLOYMENT REGISTERS. ORDER OF PRIORITY. Employment registers, in the order of their priority, shall be re-employment registers, promotional registers, and original employment registers. Original employment registers may include or consist entirely of eligibles whose names appear on said registers as a result of cooperative recruitment and testing efforts between the City and other governmental or private agencies.

Re-employment registers shall contain the names of regular employees and probationary employees laid off in good standing for lack of funds or work.

SEC. 2-4.52 EMPLOYMENT REGISTERS. ADMINISTERING. Policies and procedures for administering employment registers shall be provided in the personnel rules covering the duration, cancellation, replacement, or consolidation of such registers, and the removal or suspension of the names of eligibles therefrom.

SEC. 2-4.53 EMPLOYMENT REGISTERS. APPOINTMENTS. When an appointment is to be made to a vacancy in the Classified Service, the Personnel Director shall submit to the department head the names of available eligibles in the order in which they appear on an appropriate register. The department head shall submit his recommendations for appointment to the City Manager or other authorized appointing authority.

No appointment shall be made except from the employment register so submitted. All persons not appointed shall remain in their relative position on the employment register.

SEC. 2-4.60 PROBATION. An appointment from an original employment register or from a promotional register shall not be permanent until after the expiration of a probationary

period. An appointment from a re-employment register of a person who has previously satisfied the probationary period in the class to which the appointment is made shall not be subject to an additional probationary period. The regular period of probation shall be six (6) months, provided that the classification descriptions may specify a longer or shorter period of probation for certain designated job classes. Extension of probationary periods in individual cases may be made by the City Manager up to a maximum of six (6) months.

SEC. 2-4.61 PROBATIONARY PERIOD. WORK EVALUATION. The work and conduct of probationary employees shall be subject to close scrutiny and evaluation. Department heads shall be responsible for the preparation and submission of performance appraisals as required by the appointing authority. The probationer may be removed or demoted at any time during the probationary period. Such action, if taken prior to the expiration of the probationary period, shall not be subject to review or appeal notwithstanding that the effective date of such action may be after the expiration date of said period.

SEC. 2-4.62 EMPLOYEES. REGULAR STATUS. An employee shall be entitled to regular status at the end of the probationary period only if no action of release or demotion is taken prior to the expiration of said period.

SEC. 2-4.70 HOURS OF WORK. Rules shall be adopted prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. The rules shall cover, among others, vacations, sick leaves, and leaves for military service.

SEC. 2-4.71 RULES ADOPTING AGE LIMITS. No rule adopted pursuant to this Article shall establish any maximum age limit beyond mandatory retirement age, for any position in the Classified Service, however, the provisions of the California Child Labor Laws shall be followed in setting minimum age limits for all positions of employment in the City.

SEC. 2-4.72 AGE LIMITS. POLICE; FIREMAN; EXCEPTIONS. Notwithstanding the provisions of Section 2-4.71 to the contrary, nothing herein shall prevent the establishment of minimum and maximum age limits for the employment of City policemen and City firemen.

SEC. 2-4.80 REMOVAL - SUSPENSION - FINE. All persons having regular status in the Classified Service shall be subject to removal, suspension or fine from office or employment, by the City Manager, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the department or office; but subject to the appeal of the aggrieved party as provided by Personnel Rules applicable thereto.

SEC. 2-4.90 EMPLOYEES. LAY-OFF. Whenever there is lack of work or lack of funds requiring reductions in a department or division of the City government, the required reduction shall be made in such job class or classes as the department head may designate, provided that employees shall be laid off in the inverse order of their relative length and quality of service, as determined by rules governing the evaluation of service. Within each affected job class, all provisional employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any regular employees.

Lay-off to the next lower class is authorized provided that the employee to be laid off has previously served in said lower class and whose original date of appointment to that class predates at least one employee presently serving therein.